

Message Text

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22

ACTION L-03

INFO OCT-01 EA-07 ISO-00 H-02 DHA-02 ORM-02 SCS-03 SCA-01

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1399

C O N F I D E N T I A L MANILA 15833

E O 11652: N/A

TAGS: SHUM, RP

SUBJ: SUPREMEN COURT HEARS LOPEZ JR. CASE

1. ON OCT 11, SUPREME COURT HEARD ARGUMENTS REQUESTING THAT EUGENIO LOPEZ, JR. BE RELEASED FROM DETENTION. LOPEZ' ATTORNEY, SENATOR LORENZO TONADA, ARGUED THAT HIS CLIENT NEEDED TO BE FREE IN ORDER TO PREPARE HIS DEFENSE AND TO RECOVER FROM GALL BLADDER OPERATION. BEGIN FYI-- LOPEZ WAS OPERATED ON OCT 11 FOR GALL BLADDER CONDITION WHICH APPARENTLY HAD WORSENED. HIS WIFE HAD TOLD EMBOFF SEPT 26 THAT HE WAS PREPARED TO DEFER OPERATION FOR SOME TIME. END FYI. SOLICITOR GENERAL MENDOZA IS ARGUING THE GOVERNMENT'S VIEW THAT LOPEZ SHOULD BE DETAINED AND NOT ALLOWED BAIL.

2. COMMENT: APPEAL TO SUPREME COURT WAS ALWAYS POSSIBILITY BUT LOPEZ FAMILY DEFERRED SUCH APPEAL WHILE IT FELT THERE CHANCE FOR PRODUCTIVE PLEA BARGAINING WITH GOVERNMENT. AT LENGTH, IT FELT THIS TACTIC NO LONGER WORTHWHILE AND TURNED TO SUPREME COURT. COURTS DECISION TO HEAR CASE, SUGGESTS GOVERNMENT MAY FINALLY BE PREPARED TO MOVE ALTHOUGH THERE HAVE BEEN SIGNS OF READINESS TO ACT BEFORE AND NOTHING EVER CAME OF IT. LOPEZ' RECENT OPERATION, MOREOVER, COULD GIVE GOVERNMENT HUMANITARIAN EXCUSE FOR ALLOWING DETAINED PUBLISHER BAIL IF MARCOS HAS NOW DECIDED SUCH ACTION IN REGIME' BEST INTERESTS. IN THIS CONNECTION, EMBOFFS PLAN SEE AMCIT LEHMAN (PER STATE 244126) OCTOBER 13 AND WILL ATTEMPT TO FIND OUT
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WHETHER THERE ARE ANY DEVELOPMENTS IN ASSASINATION PLOT CASE.

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Message Attributes

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Disposition Date: 28 MAY 2004
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